

# **Plaintiffs'**

# **Exhibit D**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MUTINTA MICHELO, *et al.*,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

V.

No. 18-cv-1781 (PGG)

NATIONAL COLLEGIATE STUDENT  
LOAN TRUST 2007-2; *et al.*,

Defendants.

**TRANSWORLD SYSTEMS INC.’S SUPPLEMENTAL RESPONSES AND  
OBJECTIONS TO PLAINTIFFS’  
FIRST SET OF REQUESTS FOR PRODUCTION**

NOW COMES Transworld Systems Inc. (“TSI”), by and through the undersigned counsel, and hereby supplements its responses to Plaintiff’s First Set of Requests for Production directed to TSI, as follows:

## GENERAL OBJECTIONS AND RESERVATIONS

TSI responds to plaintiffs' requests subject to and without waiving these general objections in addition to any specific objections raised in response to a specific discovery request.

1. TSI objects to plaintiffs' discovery requests to the extent they seek information protected by the attorney-client privilege, work product doctrine, and/or are beyond the scope allowed under federal and state law.

2. TSI objects to plaintiffs' discovery requests to the extent that the information requested is obtainable from some source, other than TSI, which is more convenient, less burdensome and/or less expensive.

3. TSI objects to plaintiffs' discovery requests to the extent they seek proprietary information, trade secrets, or confidential business information.

4. TSI objects to plaintiffs' discovery requests to the extent they seek information or documents reflecting consumer information that is protected from disclosure by applicable federal and/or state privacy laws.

5. TSI objects to plaintiffs' discovery requests to the extent that the document requests are vague and ambiguous, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant evidence.

These general objections are applicable to, and incorporated in, each of TSI's responses below as set forth herein. Stating a specific objection shall not be construed as a waiver of TSI's general objections.

TSI reserves the right to supplement their responses as investigation and discovery are continuing.

**Document Request No. 1.** All of Your organization charts or flow charts for the Relevant Time Period, including but not limited to, organization charts and flow charts for:

- a. Employees who review, maintain, manage, organize and/or distribute information concerning Debt allegedly owed to a Trust; and
- b. Employees who prepare, review and/or sign Documents, including, but not limited to affidavits of fact, or any other Affidavits, prepared in support of and/or submitted in relation to Debt Collection Lawsuits filed in any court in the State of New York during the Relevant Time Period in which a Trust was the Plaintiff.

**Response:** TSI objects to this Request because it is vague, ambiguous, seeks information that is not relevant to the claims and defenses in this case, and because the information sought is not proportional to the needs of the case. TSI further objects to this Request to the extent that it seeks confidential or sensitive business, financial, or commercial information and/or trade secrets or other confidential proprietary information.

**Supplemental Response:** TSI objects to this Request because it is vague, ambiguous, seeks information that is not relevant to the claims and defenses in this case, and because the information sought is not proportional to the needs of the case. TSI further objects to this Request to the extent that it seeks confidential or sensitive business, financial, or commercial information and/or trade secrets or other confidential proprietary information. Subject to the foregoing General and Specific Objections, *see* TSI 00626-01478, TSI 01870-02074, TSI 02099-02114. Further answering, the following NCO and TSI affiants executed affidavits for cases in New York between 2013 and 2016, along with their dates of employment, if available:

- |                   |           |           |
|-------------------|-----------|-----------|
| 1. Alicia Holiday | 8/24/2015 | 4/16/2018 |
|-------------------|-----------|-----------|

privilege, the attorney work product doctrine, or any other applicable privilege. TSI further objects to this Request to the extent that it seeks confidential or sensitive business, financial, or commercial information and/or trade secrets or other confidential proprietary information. Subject to the foregoing General and Specific Objections, *see* TSI 00001-00625, TSI 02115-02175, and the attached privilege log identifying documents withheld as privileged pursuant to attorney/client privilege.

**Document Request No. 3.** All Documents reflecting the date (or dates) on which You Acquired any item (or items) of Assignment Documentation concerning any of the Subject Loans. Such Documents including, but are not limited to, metadata reflecting each item's date and time of Acquisition.

**Response:** TSI objects to this Request because it seeks information that is not relevant to the claims and defenses in this case and, with respect to metadata, because the information sought is not proportional to the needs of the case. TSI further objects to this Request to the extent it calls for information protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege. TSI further objects to this Request to the extent that it seeks confidential or sensitive business, financial, or commercial information and/or trade secrets or other confidential proprietary information. Subject to the foregoing General and Specific Objections, TSI will produce non-privileged, responsive documents in its possession, custody, or control, located after a reasonable search, relating to the loans held by the Trusts and owed by Plaintiffs.

**Supplemental Response:** TSI objects to this Request because it seeks information that is not relevant to the claims and defenses in this case and, with respect to metadata, because the information sought is not proportional to the needs of the case. TSI further objects to this Request to the extent it calls for information protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege. TSI further objects to this Request to the extent that it seeks confidential or sensitive business, financial, or commercial information and/or trade secrets or other confidential proprietary information. Subject to the foregoing General and Specific Objections, *see* TSI 00001-01478, TSI 01514-01869, TSI 02075-02114.

**Document Request No. 4.** All Documents reflecting the date (or dates) on which You Acquired any item (or items) of Loan Documentation concerning an of the Subject Loans.

Such Documents include, but are not limited to, metadata reflecting each item's date and time of Acquisition.

**Response:** TSI objects to this Request because it seeks information that is not relevant to the claims and defenses in this case and, with respect to metadata, because the information sought is not proportional to the needs of the case. TSI further objects to this Request to the extent it calls for information protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege. TSI further objects to this Request to the extent that it seeks confidential or sensitive business, financial, or commercial information and/or trade secrets or other confidential proprietary information. Subject to the foregoing General and Specific Objections, TSI will produce non-privileged, responsive documents in its possession, custody, or control, located after a reasonable search, relating to the loans held by the Trusts and owed by Plaintiffs.

**Supplemental Response:** TSI objects to this Request because it seeks information that is not relevant to the claims and defenses in this case and, with respect to metadata, because the information sought is not proportional to the needs of the case. TSI further objects to this Request to the extent it calls for information protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege. TSI further objects to this Request to the extent that it seeks confidential or sensitive business, financial, or commercial information and/or trade secrets or other confidential proprietary information. Subject to the foregoing General and Specific Objections, *see* TSI 00001-01478, TSI 01514-01869, TSI 02075-02114.

**Document Request No. 5.** All Documents reflecting the Assignment Documentation concerning a Subject Loan that was/were reviewed by the Subject Affiant prior to this signing the Subject Debt Collection Affidavit. Such Documents include, but are not limited to, metadata reflecting the Subject Affiant's review of each item of Loan Documentation.

**Response:** TSI objects to this Request because it seeks information that is not relevant to the claims and defenses in this case and, with respect to metadata, because the information sought is not proportional to the needs of the case. TSI further objects to this Request to the extent it calls for information protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege. TSI further objects to this Request to the extent that it seeks confidential or sensitive business, financial, or commercial information and/or trade secrets or other confidential proprietary information. Subject to the foregoing General and Specific

**Objections, TSI will produce non-privileged, responsive documents in its possession, custody, or control, located after a reasonable search, relating to the loans held by the Trusts and owed by Plaintiffs.**

**Supplemental Response: TSI objects to this Request because it seeks information that is not relevant to the claims and defenses in this case and, with respect to metadata, because the information sought is not proportional to the needs of the case. TSI further objects to this Request to the extent it calls for information protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege. TSI further objects to this Request to the extent that it seeks confidential or sensitive business, financial, or commercial information and/or trade secrets or other confidential proprietary information. Subject to the foregoing General and Specific Objections, *see* TSI 00001-01478, TSI 01514-02114, and TSI 02176-02260.**

**Document Request No. 6.** All Documents reflecting the Loan Documentation concerning a Subject Loan that was/were reviewed by the Subject Affiant prior to his signing the Subject Debt Collection Affidavit. Such Documents include, but are not limited to, metadata reflecting the Subject Affiant's review of each item of Loan Documentation.

**Response:** TSI objects to this Request because it seeks information that is not relevant to the claims and defenses in this case and, with respect to metadata, because the information sought is not proportional to the needs of the case. TSI further objects to this Request to the extent it calls for information protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege. TSI further objects to this Request to the extent that it seeks confidential or sensitive business, financial, or commercial information and/or trade secrets or other confidential proprietary information. Subject to the foregoing General and Specific Objections, TSI will produce non-privileged, responsive documents in its possession, custody, or control, located after a reasonable search, relating to the loans held by the Trusts and owed by Plaintiffs.

**Supplemental Response:** TSI objects to this Request because it seeks information that is not relevant to the claims and defenses in this case and, with respect to metadata, because the information sought is not proportional to the needs of the case. TSI further objects to this Request to the extent it calls for information protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege. TSI further objects to this Request to the extent that it seeks confidential or sensitive business, financial, or commercial information and/or trade secrets or other confidential proprietary information. Subject to the foregoing

**General and Specific Objections, see TSI 00001-01478, TSI 01514-02114, and TSI 02176-02260.**

**Document Request No. 7.** All Documents reflecting the amount of time that the Subject Affiant spent reviewing any Assignment Documentation concerning a Subject Loan before signing the Subject Debt Collection Affidavit. Such Documents include, but are not limited to, metadata reflecting the Subject Affiant's time spent reviewing each item if Assignment Documentation.

**Response:** TSI objects to this Request because it seeks information that is not relevant to the claims and defenses in this case and, with respect to metadata, because the information sought is not proportional to the needs of the case. TSI further objects to this Request to the extent it calls for information protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege. TSI further objects to this Request to the extent that it seeks confidential or sensitive business, financial, or commercial information and/or trade secrets or other confidential proprietary information. Subject to the foregoing General and Specific Objections, TSI will produce non-privileged, responsive documents in its possession, custody, or control, located after a reasonable search, relating to the loans held by the Trusts and owed by Plaintiffs.

**Supplemental Response:** TSI objects to this Request because it seeks information that is not relevant to the claims and defenses in this case and, with respect to metadata, because the information sought is not proportional to the needs of the case. TSI further objects to this Request to the extent it calls for information protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege. TSI further objects to this Request to the extent that it seeks confidential or sensitive business, financial, or commercial information and/or trade secrets or other confidential proprietary information. Subject to the foregoing General and Specific Objections, see TSI 00001-01478, TSI 01514-02114, and TSI 02176-02260.

**Document Request No. 8.** All Documents reflecting the amount of time that the Subject Affiant spent reviewing any Loan Documentation concerning a Subject Loan before signing the Subject Debt Collection Affidavit. Such Documents include, but are not limited to, metadata reflecting the Subject Affiant's time spent reviewing each item if Loan Documentation.

**Response:** TSI objects to this Request because it seeks information that is not relevant to the claims and defenses in this case and, with respect to metadata, because the information sought is not proportional to the needs of the case. TSI further objects to this Request to the extent it calls for information protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege. TSI further objects to this Request to the extent that it seeks confidential or sensitive business, financial, or commercial information and/or trade secrets or other confidential proprietary information. Subject to the foregoing General and Specific Objections, TSI will produce non-privileged, responsive documents in its possession, custody, or control, located after a reasonable search, relating to the loans held by the Trusts and owed by Plaintiffs.

**Supplemental Response:** TSI objects to this Request because it seeks information that is not relevant to the claims and defenses in this case and, with respect to metadata, because the information sought is not proportional to the needs of the case. TSI further objects to this Request to the extent it calls for information protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege. TSI further objects to this Request to the extent that it seeks confidential or sensitive business, financial, or commercial information and/or trade secrets or other confidential proprietary information. Subject to the foregoing General and Specific Objections, *see* TSI 00001-01478, TSI 01514-02114, and TSI 02176-02260.

**Document Request No. 9.** All Documents concerning Communications with any Trust that were made in connection with any of the Subject Loans and Subject Debt Collection Lawsuits.

**Response:** TSI objects to this Request because it seeks information that is not relevant to the claims and defenses in this case. TSI further objects to this Request to the extent it calls for information protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege. TSI further objects to this Request to the extent that it seeks confidential or sensitive business, financial, or commercial information and/or trade secrets or other confidential proprietary information. Subject to the foregoing General and Specific Objections, TSI will produce non-privileged, responsive documents in its possession, custody, or control, located after a reasonable search, relating to the loans held by the Trusts and owed by Plaintiffs.

**Supplemental Response:** TSI objects to this Request because it seeks information that is not relevant to the claims and defenses in this case. TSI further objects to this Request to the extent it calls for information protected by the attorney-client



**CERTIFICATE OF SERVICE**

I certify that on April 17, 2020, a copy of the foregoing was served by electronic mail on counsel of record at the address below:

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/s/ Morgan I. Marcus